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EXAMINER

SAADAT, CAMERON

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/987,240

Applicant(s)

SHECHTER ET AL.

Examiner

Cameron Saadat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 80-156 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 80-82, 84-96, 98-111, 113-122, 124-135, 137-149 and 151-156 is/are rejected.
- 7) ☒ Claim(s) 83, 97, 112, 123, 136 and 150 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5, 6. 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

In response to preliminary amendment D filed 11/14/01, claims 80-156 are pending in this application.

Claims 1-79 and 157-177 have been cancelled.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 94, 100-109, 113-119, 133, 139-147, and 151-156 are rejected under 35 U.S.C. 102(e) as being anticipated by Macri et al. (USPN 5,890,906; hereinafter Macri).**

Regarding claims 94, 108, 133, and 146, Macri discloses a network training system to enhance a physical skill of a subject (as per claims 94 and 133) and to facilitate a competition (as per claims 108 and 146), comprising: an activity processing system (plurality of activity processing systems *as per claim 108*) to facilitate and measure performance of the physical activity, the activity processing system including: an activity measuring device to measure performance of the physical activity; a processor to evaluate the measured performance based on predetermined criteria and produce result information; an information device to provide the result information to the subject; wherein the information system is in communication via a network with other information systems (Col. 3, lines 17-23; Col. 4, lines 26-38; Col. 5, line 31-35; Col. 13, lines 5-11)

Regarding claims 100 and 113, Macri discloses a network training system wherein an information device is a display and a printing device (Col. 5, lines 10-11; Fig. 1, ref. 204).

Regarding claim 101, Macri discloses a network training system wherein a plurality of processing systems are in communication with each other to provide joint training (See Fig. 8).

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Regarding claims 102, 114, 140, and 151, Macri discloses a network training system wherein the processor includes a storage module to store produced information for retrieval and analysis (Col. 9, lines 57-58).

Regarding claims 103, 115, 141, and 152, Macri discloses a network training system wherein a plurality of information systems are in communication with a processing system via a network to provide information to at least one interested party (Col. 3, lines 17-30; Fig. 8).

Regarding claims 104, 116, 142, and 153, Macri discloses a network training system wherein the processor includes a module to store a subject's performance history (Col. 9, lines 57-58).

Regarding claims 105, 117, 143, and 154, Macri discloses a network training system wherein an identification module is used to provide access to the system (Col. 9, line 54).

Regarding claims 106 and 144, Macri discloses a network training system wherein the performance results indicates a degree of compliance with a predetermined criteria (Col. 6, lines 12-22).

Regarding claims 107 and 145, Macri discloses a network training system wherein the predetermined criteria includes at least one standard level of performance associated with the physical activity (Col. 6, lines 12-22).

Regarding claims 109 and 147, Macri discloses a network training system comprising a control system to control transfer of participant information over a network (See Fig. 2c).

Regarding claims 118 and 155, Macri discloses a network training system wherein the performance results include a score value achieved by a participant for the competition (Col 5, lines 4-9).

Regarding claims 119 and 156, Macri discloses a network training system wherein a plurality of information systems are in communication with a processing system via a network to provide information to at least one interested party (Col. 3, lines 17-30; Fig. 8); wherein the performance results include a score value achieved by a participant for the competition (Col 5, lines 4-9).

Regarding claim 139, Macri discloses a network training system wherein the processing systems are in communication with each other and joint training is provided by measuring performance of a physical activity and evaluating the performance.

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***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. **Claims 80-81, 84-93, 95, 98-99, 110, 121, 124-132, 134, 137-138, and 148 are rejected under 35 U.S.C. 103(a) as being unpatentable over Macri et al. (USPN 5,890,906; hereinafter Macri) in view of Kellet et al. (GB 2 141 810 A; hereinafter Kellet).**

Regarding claims 80 and 120, Macri discloses a network training system to enhance a physical skill of a subject, comprising: an activity processing system to facilitate and measure performance of the physical activity, the activity processing system including: an activity measuring device to measure performance of the physical activity; a processor to evaluate the measured performance based on predetermined criteria and produce result information; an information device to provide the result information to the subject (Col. 3, lines 17-23; Col. 4, lines 26-38; Col. 5, line 31-35; Col. 13, lines 5-11)). Macri further discloses that the information system is in communication via a network with other information systems, however it is not explicitly stated that the result information is provided to an instructor. Instead, Macri discloses a processing system wherein a subject's performance results are processed to provide appropriate, *pre-determined (pre-recorded) feedback* and instruction to improve cognitive and motor skills. However, Kellet discloses a network training system for training a gunner,

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wherein a subject's performance results are provided to an instructor for analyzing a training exercise (see Abstract). Hence, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the network training system described in Macri, by providing a subject's performance results *to an instructor for review*, in order to create more personalized instruction to improve personal skill level.

Regarding claims 81, 95, 110, 121, 134, and 148 Macri discloses a network training system directed towards improving hockey skills and further recognizes that one of ordinary skill in the art may apply the system to other sports, athletic training, or any activities requiring cognitive and motor skill (Col. 13, lines 18-33). Furthermore, in view of Kellet, it would have been obvious to modify the network training system for a firearm training activity.

Regarding claims 84-85, 98-99, 124-125, and 137-138, Macri discloses a network training system wherein the physical activity includes cognitive knowledge of a subject and wherein the feedback information is associated with increasing a subject's cognitive knowledge to enhance physical skill level (as per claims 84, 98, 124, and 137, see Col. 2, line 5). It is not explicitly stated that the physical activity is a firearm activity (as per claims 85, 99, 125, and 138). However, Macri further recognizes that one of ordinary skill in the art may apply the system to other sports, athletic training, or any activities requiring cognitive and motor skill (Col. 13, lines 18-33). Furthermore, in view of Kellet, it would have been obvious to modify the network training system for a firearm training activity.

Regarding claim 86, Macri discloses a network training system wherein an information device is a display and a printing device (Col. 5, lines 10-11; Fig. 1, ref. 204).

Regarding claim 87, Macri discloses a network training system wherein a plurality of processing systems are in communication with each other to provide joint training (See Fig. 8).

Regarding claims 88 and 127, Macri discloses a network training system wherein the processor includes a storage module to store produced information for retrieval and analysis (Col. 9, lines 57-58).

Regarding claims 89 and 128, Macri discloses a network training system wherein a plurality of information systems are in communication with a processing system via a network to provide information to at least one interested party (Col. 3, lines 17-30; Fig. 8).

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Regarding claims 90 and 129, Macri discloses a network training system wherein the processor includes a module to store a subject's performance history (Col. 9, lines 57-58).

Regarding claims 91 and 130, Macri discloses a network training system wherein an identification module is used to provide access to the system (Col. 9, line 54).

Regarding claims 92 and 131, Macri discloses a network training system wherein the performance results indicates a degree of compliance with a predetermined criteria (Col. 6, lines 12-22)

Regarding claims 93 and 132, Macri discloses a network training system wherein the predetermined criteria includes at least one standard level of performance associated with the physical activity (Col. 6, lines 12-22).

Regarding claim 126, Macri discloses a network training system wherein the processing systems are in communication with each other and joint training is provided by measuring performance of a physical activity and evaluating the performance. It is not explicitly stated that the result information is provided to an instructor. Instead, Macri discloses a processing system wherein a subject's performance results are processed to provide appropriate, *pre-determined (pre-recorded) feedback* and instruction to improve cognitive and motor skills. However, Kellet discloses a network training system for training a gunner, wherein a subject's performance results are provided to an instructor for analyzing a training exercise (see Abstract). Hence, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the network training system described in Macri, by providing a subject's performance results *to an instructor for review*, in order to create more personalized instruction to improve personal skill level.

**6. Claims 82, 96, 111, 122, 135, and 149 are rejected under 35 U.S.C. 103(a) as being unpatentable over Macri et al. (USPN 5,890,906; hereinafter Macri) in view of Kellet et al. (GB 2 141 810 A; hereinafter Kellet), further in view of Hazard et al. (USPN 5,529,310; hereinafter Hazard).**

Regarding claims 82, 96, 111, 122, 135, and 149, the combination of Macri and Kellet discloses all of the claimed subject matter with the exception of disclosing that the firearm activity is measured with a laser-detecting target that detects impact locations of a laser beam emitted from a laser-transmitting firearm. Instead, Kellet describes firearm measurement using a video camera to analyze firearm aiming

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performance. However, it is well known to utilize a laser transmitter and laser-detecting target to analyze a firearm training performance. Furthermore, Hazard discloses a network of multiple laser detecting targets and laser transmitters for tracking the performance of multiple shooters. Hence, in view of Hazard, it would have been obvious to an artisan to modify the firearm monitoring (measuring) by utilizing a laser transmitter and laser-detecting target, in order to provide accurate performance results for each shooter and further providing each shooter's respective score.

***Allowable Subject Matter***

7. Claims 83, 97, 112, 123, 136, and 150 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

Patentability is seen in, although not limited to: the combination of providing a network training system or method for enhancing a firearm activity wherein a subject's performance is measured with a laser-detecting target and laser transmitting firearm; wherein the target includes a detector to measure a distance between the firearm and the target to verify proper conditions for performance of the firearm activity. The closest prior art of record does not teach or fairly suggest this feature in the combination.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Baker (USPN 5,486,001) – discloses a network training system for enhancing a user's physical and cognitive skill in golf by providing personalized instruction from an instructor via network.
- Quitadama (USPN 4,256,013) – discloses a multiple user target practice system.
- Rosenberg et al. (USPN 6,028,593) – disclose a method of providing game play or joint instruction for a physical activity, including weapon training.
- Shechter et al. (USPN 6,322,365) – Claims laser firearm training over a network.
- Shechter et al. (US Patent Application Publication 2003/0136900 A1) – claims may invoke provisional double patenting.



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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cameron Saadat whose telephone number is 703-305-5490. The examiner can normally be reached on M-F 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa J Walberg can be reached on 703-308-1327. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

CS

  
Teresa Walberg  
Supervisory Patent Examiner  
Group 3700